

**BOROUGH OF MIDDLESEX
REGULAR MEETING MINUTES
APRIL 23, 2013**

MAYOR'S STATEMENT: Under the provisions of N.J.S.A. 10:4-6 et seq., notice of the time and place of this meeting was given by way of the Annual Meeting Notice of December 31, 2012 and was forwarded to the Star Ledger, Courier News and Home News, and posted at Borough Hall.

SALUTE TO THE FLAG

ROLL CALL

Mayor	Ronald Dobies
Council President:	Ron DiMura
	Kevin Dotey
	Sean Kaplan
	Patricia Jenkins
	Bob Schueler
	Michele Tackach

Attorney: Aravind Aithal

Mayor Dobies requested a moment of silence to in recognition of the victims of the Boston Marathon bombing, the Texas fertilizer plant explosion and the death of former Councilman Paff's son Kyle Paff.

PRESENTATIONS

Paul Ricci attended the meeting to discuss the Master Plan areas of Concern. Mayor Dobies addressed the following items that were mentioned in several pages of the proposed Master Plan and in the objectives and are of concern: (1) Resident's housed above commercial properties; (2) Lincoln Boulevard Redevelopment – although cited I believe this is covered in a section that indicates it must be redone or at least modified periodically; (3) Public Water and Sewers in Beechwood Avenue area – very costly for the Borough and the residents and no complaints received unless the power went out; (4) 9000 square lots for duplexes; (5) Building height to 38' to 40' from 35'; (6) Split GB district into two separate districts; and (7) Ambient Lighting. Mayor Dobies requested that council review and submit a list of concerns to his attention.

PROCLAMATION

The Borough Clerk read the following Proclamation:

PROCLAMATION

WHEREAS, in 1949 the legislature set aside the last Friday of April as Arbor Day to promote the planting of trees and to encourage the protection of our forests from fires and pests that destroy the beauty and usefulness of our woodlands; and

WHEREAS, half of New Jersey's total land area is forested or tree covered; and

WHEREAS, trees play an important role in the ecosystem in which we live, and trees reduce the erosion of our precious topsoil caused by wind and water, clean the air we breathe and the water we drink, produce oxygen, provide habitat for birds and wildlife and reduce heating and cooling costs by moderating temperature; and

WHEREAS, trees are renewable resource giving us paper for fine literature, wood for homes, fuel for fires, and countless other wood products; and

WHEREAS, trees provide increased property value, enhanced economic viability, and pleasing aesthetic qualities along streets and properties in municipalities; and

WHEREAS, trees planted in yards and farms, in school yards and parks, and along street and highways creates an enduring heritage for generations that follow; and

NOW, THEREFORE, I, RONALD S. DOBIES, Mayor of the Borough of Middlesex, do hereby proclaim April 26, 2013, as

ARBOR DAY

In the community of Middlesex, and urge all citizens to support efforts to protect our trees and woodlands to support our Borough's Urban Forestry Program, and

FURTHER, I urge all citizens to plant trees to gladden hearts and promote the well being of present and future generations.

PUBLIC HEARINGS

Borough Auditor, Andy Hodulik attended meeting and stated that the budget is increased by 1.87% over last year. There is less than a 1% increase in appropriations in total over last year. The library budget is based on the borough's assessed valuations. Their appropriations have been reduced by \$42,000 over 2012. Council President DiMura indicated that with the library decrease the increase will be \$37.65 on the average home. Without the library budget there is an increase of \$29.51 on the average home.

Mayor Dobies opened the budget hearing. Seeing no public comments, Mayor Dobies closed the budget hearing.

ORDINANCE NO. 1826-13

The Borough Clerk read Ordinance No. 1826-13 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

AN ORDINANCE OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY AMENDING THE CODES OF THE BOROUGH OF MIDDLESEX TO CREATE CHAPTER 320, LANDLORD REGISTRATION

WHEREAS, the Borough Council of the Borough of Middlesex desires to create Chapter 320, Landlord Registration, of the Codes of the Borough of Middlesex, New Jersey.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Middlesex, in the County of Middlesex, State of New Jersey, as follows:

SECTION ONE. Chapter 320 of the Codes of the Borough of Middlesex, New Jersey is hereby created to read as follows:

320-1 Registration and License Application

- a. A registration and license application must be completed for each dwelling within the Borough available for rent to tenants. Without infringing upon the requirements of N.J.S.A. 46:8-28, all dwellings within the Borough available for rent to tenants shall be registered and licensed as provided herein. Every owner shall file with the Zoning Officer or his/her designee a registration form for each unit contained within a dwelling.
- b. Every owner is required to provide each occupant or tenant occupying a rental unit with a copy of the completed registration form.
- c. Upon the filing of a completed registration form, payment of the prescribed fee, and a satisfactory inspection, the owner shall be entitled to the issuance of a license commencing on the date of issuance and expiring on the same date of the next calendar year. Any lease which has been executed prior to the adoption of this Ordinance shall not be affected, but the rental unit must nevertheless be registered, inspected and licensed in accordance with this Ordinance. No rental unit shall hereafter be rented unless the rental unit is registered and licensed in accordance with this Ordinance. A registration form shall be required for each rental unit, and a license shall be issued to the owner for each rental unit, even if more than one (1) rental unit is contained in the property.
- d. Every person required to file a registration form pursuant to this Ordinance, shall file an amended registration form within 20 days after any change in the information required to be included thereon. No fee shall be required for the filing of an amendment except where the ownership or tenancy of the premises is changed.
- e. Each rental unit shall be inspected at least once during the 12 months license period. The Borough of Middlesex Construction Office will contact the owner of the rental unit to arrange for an inspection during the license year. The owner and/or occupant is required

to give the inspecting officer free access to the rental facility at all reasonable times for the purpose of such inspection.

- f. No person shall hereafter occupy any rental unit nor shall the owner permit occupancy of any rental unit which is not registered and licensed.

320-2 Periodic Inspections

- a. Periodic Inspections: Each rental unit shall be inspected at least once in every 12 month period, and upon each change in tenancy, for purposes of the issuance of a certificate of occupancy. Such inspection shall be for the purpose of determining Zoning Ordinance compliance, and to the extent applicable, to determine if the property complies with the Property Maintenance Code, Uniform Construction Code, BOCA Maintenance Code, Housing Code and/or Building Code and the Uniform Fire Safety Act. Upon compliance, the Construction Official shall cause to be issued a certificate of occupancy pursuant to Chapter 158 of the Code of the Borough of Middlesex.

320-3 Fees

- 1. Fees:
 - (i) An bi-annual registration fee of \$50.00 dollars;
 - (ii) A second Re-inspection fee of \$50.00 dollars;
 - (iii) There shall be no fee if the owner of the property is:
 - 1. A Senior Citizen who resides in a unit of the property and rents the remaining unit and would qualify for a State of New Jersey property Tax Deduction under N.J.S.A. 54:4-8.41; or
 - 2. A bona fide, full-time resident of a unit in the same building, so long as there are no more than two (2) residential units in such building.
 - (iv) If any fee is not paid within thirty (30) days of its due date, a late fee surcharge of \$30.00 will be assessed.

320-4 Violations & Penalties

- a. In the event that the inspection(s) of a rental unit indicates the need for maintenance and/or repairs, such property shall not thereafter be registered, nor shall a license be issued, and the owner of the property, or his agent, shall not lease or rent such property, nor shall any tenant occupy the property until the necessary maintenance, repairs and corrections have been made so as to bring the property and rental unit into compliance with the applicable Code(s) and the property is thereafter subsequently re-inspected, approved, registered and licensed. In the event that such property is occupied when such conditions are discovered, all such corrections shall be made within sixty (60) days, and if not made within that time period, the owner

shall be deemed in violation of this Ordinance and every day that the violation continues shall constitute a separate and distinct violation, subject to the penalty provisions of section 18 of this Ordinance.

- b. No license will be issued for any property containing a rental unit unless all Municipal taxes, water and sewer charges and any other Municipal assessments are paid on a current basis.
- c. Any person who violates any of the provisions of this ordinance, unless another penalty is provided, shall upon conviction thereof, pay a fine of not less than \$200.00, up to \$2,000.00, or imprisonment for any term, not exceeding 90 days, or a period of community service not exceeding 90 days, for the violation thereof.

SECTION TWO. In the event that any section, part or provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.

SECTION THREE. This Ordinance shall take effect immediately upon final passage and publication according to law.

Councilman DiMura mentioned that Code Enforcer has requested changes to this ordinance, and we will be introducing a new ordinance at the next meeting with these changes.

Councilman Schueler made a motion to rescind this ordinance, seconded by Councilman DiMura and carried by the following roll call vote: Ayes: DiMura, Dotey, Jenkins, Kaplan, Schueler and Tackach. Nos.: None. Abstain: None.

The Borough Clerk read Ordinance No. 1827-13 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

ORDINANCE NO. 1827-13

AN ORDINANCE FIXING AND DETERMINING THE SALARY RANGE OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF MIDDLESEX

TITLE	SALARY BASE	RANGE TO
Full Time Employees		
Chief of Police	130,670	150,000
Borough Clerk	70,407	80,000
Deputy Borough Clerk	47,009	55,000
Tax Collector/Purchasing Agent	64,290	72,000
DPW Superintendent	81,822	112,506
DPW Assistant Superintendent	79,801	90,000
Director - Office on Aging	42,560	48,000
Chief Financial Officer/Treasurer	66,770	75,000
Recreation Director	57,322	65,000
Court Administrator	51,000	61,000

Part Time Employees

Assistant Recreation Director	10,861	13,000
Recreation Commission Secretary	1,112	1,300
Tax Assessor	30,600	36,000
Electrical Sub-Code Official	11,678	14,000
Board Health Secretary/Registrar	4,750	5,000
Shade Tree Secretary	2,375	2,600
Juvenile Conference Committee Secretary	1,983	2,350
Municipal Magistrate	33,397	37,000
Assistant Municipal Magistrate	26,206	32,000
Prosecutor	24,399	27,000
Plumbing Sub-Code Official	13,496	15,000
Fire Sub-Code Official	11,014	14,000
Planning and Zoning Clerk(per Meeting)	175	185
Deputy Registrar	2,750	3,200
Alternate Registrar	250	250
Construction Official	47,740	53,500
Code Enforcer/Zoning Official	25,500	30,000
IT Program Manager	54,600	60,000

Hourly Employees

	Per Hour	Per Hour
Pre-School Program Coordinator	10.00	15.00
Pre-School Program Instructor	10.00	14.00
Police Secretary	19.00	25.00
Construction Clerk	12.00	16.00
Court Clerk	15.00	17.00
Sr. Transportation	12.00	15.00
Medical Transportation Driver	11.00	14.00
Meals on Wheels Driver	11.00	14.00
Playground Coordinator (Seasonal)	12.00	15.00
Playground Site Supervisor (Seasonal)	10.00	12.00
Playground Counselor (Seasonal)	7.25	10.50
Police Matrons	15.00	20.00
Crossing Guards	13.77	16.00
Laborer (DPW)	12.00	16.00
Administrative Clerk	12.00	16.00
Records Clerk (Police)	12.00	16.00

SECTION 2

Rates of Compensation established above shall serve as a guide in employment and subsequent changes in rate of employees hired after passage of this ordinance.

SECTION 3

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are and the same are hereby repealed.

SECTION 4

This Ordinance shall take effect upon its final passage, approval and publication according to law.

Council President DiMura made a motion for adoption, seconded by Councilman Schueler and carried by the following roll call vote: Ayes: DiMura, Dotey, Jenkins, Kaplan, Schueler and Tackach. Nos.: None. Abstain: None.

NEW BUSINESS-NONE

ADOPTION OF MINUTES

Councilman Kaplan moved the approval of the April 9, 2013 Regular Meeting Minutes and Executive Session Meeting Minutes seconded by Councilwoman DiMura and carried by a unanimous vote of Council.

REPORTS – STANDING COMMITTEES:

1. Finance/Taxation/Real Estate/Construction Official/Insurance – Nothing to Report
2. Recreation/Recreation Fields/Water & Light – Nothing to Report
3. Fire/OEM/Board of Health/Rescue Squad – Nothing to Report
4. Public Works/Parks/Sanitation/Recycling
 - (a) Councilwoman Jenkins moved the approval of the March, 2013 DPW Report seconded by Councilwoman Tackach and carried by a unanimous vote of Council.
 - (b) Councilwoman Jenkins made a recommendation to hire 4 part time workers to cover for the full timers that are on disability. She requested to hire for 90 days on a part time basis. Council President DiMura will look at the numbers with the CFO and discuss at the May 14, 2013 Meeting.
 - (c) Shade Tree Commission Planting – The planting of 53 trees was done at Victor Crowell Park on Saturday with 40 volunteers from the Girl Scouts, Boys Scouts and Home School children. Councilwoman Jenkins thanked the DPW for the good job that they did preparing for the planting. More planting will be done on April 27th with the Girl Scouts and Boy Scouts.
 - (d) The Board of Education will be holding a Special Meeting in the Library on Thursday to approve Dr. Linda Madison's contract as the new Superintendent of Schools.
5. Police/Legal/Code Enforcement/Municipal Court
 - (a) Councilwoman Tackach mentioned that Valor and Meritorious Award will be presented by the 200 Club of Middlesex County for actions during events that occurred during 2012 in Middlesex Borough. Police Officer Joleen Duca and Police Officer Thomas Carroll will receive the Valor Award and Police Officer

Thomas Falk and Police Officer Luke Kelly will both receive the Meritorious Award.

6. Administration/Office on Aging/Legislation/License/Buildings & Grounds
 - (a) Councilman Schueler mentioned that a packet of recommendations for the Personnel Policy was circulated for Council review. He requested comments be brought to him within the next 10 days and it will be discussed at the May 14, 2013 Meeting.
 - (b) T&R Discussion – Councilman Schueler mentioned that he should receive information at the May 2 Board of Health Meeting and have the ordinance for the Attorney to review.

REPORTS

Mayor

Mayor Dobies met with the representatives from Birdsall and FEMA. Mayor Dobies is now waiting for information from the DEP, but was advised that if the area where the homes are located is being developed for recreational use, if a certification is signed for each property owner we will be able to bypass the study for pesticides.

Borough Administrator Ordinance – Mayor Dobies discussed the present ordinance for Borough Administrator and indicated that it now stated that “In the absence of the Borough Administrator the Borough Clerk would fill in”. Mayor Dobies spoke with the Council President and suggested the mayor should be the backup. If no objection, the Mayor suggested introducing this ordinance at the May 14, 2013 Meeting and coordinate this with the Personnel Policy. At this time we are moving ahead with the hiring of the Borough Administrator and a new job description is needed as we are looking for an Administrator/CFO. A job description should be ready for the May 14th meeting.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Consent Agenda 2012(H)

WHEREAS, the Mayor and Council of the Borough of Middlesex has reviewed the Consent Agenda consisting of various proposed resolutions; and

WHEREAS, the Mayor and Council of the Borough of Middlesex is not desirous of removing any resolutions from this Agenda.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that the following resolutions on the Consent Agenda are hereby approved and adopted.

Resolution #125-13 – Resolution #130-13

Councilman Kaplan made a motion for approval, seconded by Councilman Schueler and carried by the following roll call vote: Ayes: DiMura, Dotey, Jenkins, Kaplan, Schueler and Tackach. Nos.: None. Abstain: None.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #125-13

The Tax Collector is hereby authorized to issue a check in the amount of \$13,745.83 to redeem tax sale certificate #2011--1771 and a check in the amount of \$3,200 for a tax sale premium, Block 283, Lot 6, 711 Drake Avenue, check is to be made payable to:

US Bank cust for Phoenix
2 Liberty Place
50 S 16th Street, Suite 1950
Philadelphia, PA 19102

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #126-13

RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE FOR TURNOUT GEAR

WHEREAS, the Governing Body of the Borough of Middlesex wishes to purchase twelve sets of turnout gear from an authorized vendor under the State of New Jersey Cooperative Purchasing Program; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Contracts Law, 40A:11-12; and

WHEREAS, Quaker Safety Products Corporation is under State Contract No. 80950 for the year 2013; and

WHEREAS, the cost for the purchase of turnout gear is not to exceed \$26,113.56; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the purchase of turnout gear is ordered under State Contract No. 80950 be and is hereby approved.

The CFO hereby certifies that the funds in the amount not to exceed \$26,113.56 is available in Account No. 04-1818-00-1818-75.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #127-13

Authorizing the Mayor and Borough Clerk to execute the Developer's Agreement for 150 Lincoln Boulevard.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #128-13

A Resolution to affix the hours and hourly rates for certain employees of the Borough of Middlesex.

Beginning May 1, 2013 the hours are reduced from 30 per week to 28 per week.

Construction Official	James Ayotte	\$32.79
IT Project Manager	Ryan Zittel	\$37.50
Construction Clerk	Karen Wick	\$12.86
Laborer – Sanitation	Jorge Navarro	\$12.86
Laborer – Sanitation	Brian Palazzi	\$12.86
Laborer – Sanitation	Delmar Rouse	\$12.86
Laborer – Sanitation	Ronald Safar	\$12.00
Laborer – Sanitation	Kenneth Pine	\$12.00
Laborer – Sanitation	Francisco Camarillo	\$12.00

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #129-13

WHEREAS, Sharon Smigel will be increasing her hours to 37 1/2 hours per week effective May 1, 2013 and become a full time Records Secretary in the Police Department; and

WHEREAS, Sharon Smigel has agreed to waive her health coverage in accordance with Chapter 92, P.L. 2007 and Chapter 2, P.L. 2010 with the State Health Benefits Program; and

WHEREAS, Sharon Smigel's annual salary will be \$28,946.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex and State of New Jersey that:

1. Sharon Smigel is hereby approved as Records Secretary in the Police Department effective May 1, 2013 at 37 1/2 hours per week at an annual salary of \$28,946.
2. Sharon Smigel has agreed to waive her health coverage in accordance with Chapter 92, P.L. 2007 and Chapter 2, P.L. 2010 with the State Health Benefits Program
3. This resolution shall take effect May 1, 2013.

Council President DiMura made a motion for approval, seconded by Councilman Schueler and carried by the following roll call vote: Ayes: DiMura, Dotey, Jenkins, Schueler and Tackach. Nos.: None. Abstain: None.

DISCUSSION ON AGENDA WORKSHOP ITEMS- NONE

PUBLIC COMMENTS

Mayor Dobies opened the Public Portion of the meeting for any comments.

Pete Wosniak, 1200 Sheridan Avenue was happy with the budget and received all answers that he had from council. He was concerned with the reserve for uncollected taxes and would contact the CFO to request the amount of decrease from 2012 until 2011. Mr. Wosniak also requested the amount of time that Sharon Smigel worked part time.

John Hoffman, 455 Lincoln Boulevard discussed the following items: (1) Developer's Agreement with 150 Lincoln Boulevard; (2) Reporting of odor complaints and response from County; (3) Enforcement by Code Enforcer and Board of Health Official; (4) status of issues at 447 Lincoln Boulevard and dumpster behind Quick Chek.

Anthony Thompson, 347 Seneca Avenue discussed (1) the odor ordinance and having it posted so that people know what to do and it is enforced; (2) maintenance of the fields; and (3) status of the Burger Tubing Building.

Bill Moore, 165 Barbara Place discussed the Burger Tubing Building and the status of its clean up.

Mayor Dobies addressed all the other issues that were discussed in the public.

Seeing that there was no further public comment, Mayor Dobies closed the public portion of the meeting.

Council President DiMura made a motion to include discussion on the DPW Worker's Compensation Case to executive session seconded by Councilwoman Tackach and carried by a unanimous vote of Council.

The Borough Clerk read the following resolution:

BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex that:

Resolution #132-13

WHEREAS, N.J.S.A. 10:4-12 allows for a Public Body to go into closed session during a Public Meeting; and

WHEREAS, the Governing Body of the Borough of Middlesex has deemed it necessary to go into closed session to discuss certain matters which are exempted from the Public; and

WHEREAS, the regular meeting of this Governing Body will reconvene.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Middlesex will go into closed session for the following reason listed below as outlined in N.J.S.A. 10:4-12 and the minutes will be kept, and once the matter involving the confidentiality of the items no longer require confidentiality, the minutes can be made public.

- A. Part Time Employee Increases
- B. Increase in Hours for Administrative Assistant
- C. Retirement of Corporal Marsh

Councilwoman Tackach made a motion for approval, seconded by Councilman Schueler and carried by the following roll call vote: Ayes: Members DiMura, Dotey, Jenkins, Kaplan, Schueler and Tackach. Nos.: None. Abstain: None.

Council President DiMura moved to reconvene the Regular Meeting seconded by Councilman Schueler and carried by a unanimous vote of Council.

ADJOURNMENT

Council President DiMura made a motion to adjourn the Regular Meeting seconded by Councilman Kaplan and carried by unanimous vote of members present.

Respectfully submitted,

Kathleen Anello, RMC
Borough Clerk

